

**REGULAR MEETING OF THE  
BRIGHAM CITY COUNCIL  
DECEMBER 3, 2009**

PRESENT:	Lou Ann Christensen	Mayor
	Bruce Christensen	Councilmember
	Reese Jensen	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember
	Dennis Fife	Mayor Elect
	Tyler Vincent	Councilmember Elect
ALSO PRESENT:	Mark Bradley	City Planner
	Jim Buchanan	Emergency Services Director
	Dave Burnett	Interim Public Power Director
	Mary Kate Christensen	City Recorder
	Blake Fønnesbeck	Public Works Director
	Jared Johnson	Community Development Manager
	Paul Larsen	Economic Development Director
	Bruce Leonard	City Administrator
	Tyler Pugsley	Public Works Assistant Director
	Jason Roberts	Finance Director
	Paul Tittensor	Chief of Police
EXCUSED:	Scott Ericson	Councilmember

Mayor Christensen called the meeting to order and gave the invocation as part of the Reverence Period. The Pledge of Allegiance was recited. A motion to approve the minutes of October 29 Council and Executive Session, November 5 Council Meeting, November 17 Special Meeting was made by Councilmember Reese Jensen, seconded and carried. Mayor Christensen presented the agenda as follows:

**PRESENTATION**

Presentation of Jim Davis Extraordinary Service Award

**PUBLIC COMMENT**

**CONSENT**

Request to Schedule a Public Hearing on December 17, 2009 to Receive Public Input on the City's Intent to Surplus a Significant Parcel of Real Property Located at 544 South 800 West  
Appointment of Vice Chair to the Youth Commission Executive Board  
Appointment to the Planning Commission  
Request to Schedule a Special Meeting for December 10, 2009 at 7:00 to Close on a Special Assessment Bond to Finance Fiber Optic Infrastructure  
Request for Approval of Claims Review committee

**PUBLIC HEARING**

To Receive Input Relevant to Vacate Easements Associated with a Request to Vacate the Amendment to Central Square PUD Subdivision Plat Located at 220 South Main

**NEW BUSINESS**

Request for Approval of Resolution Increasing Electric Rates to Cover WAPA's Rate Increase  
Discussion on Surcharge Fee for New Compost Site and New Compost Facility Plans

**UNFINISHED BUSINESS**

Request Authorization to Surplus Property Located Immediately South of the Mantua L.D.S. Church House at 238 Willard Peak Road

**PLANNING COMMISSION BUSINESS**

Request for Approval of Ordinance to Amend the Clear View Regulation for Commercial Properties  
Request to Approve a Deferring Public Improvement Agreement for Sidewalk at 278 South 800 West

**MAKING LIFE BETTER - DEPARTMENT REPORTS**

East Substation Update  
Adopt a Pet Program

**OTHER BUSINESS**

**CLAIMS**

Payment Register

Councilmember Christensen made a motion to approve the agenda as amended. The motion was seconded and carried unanimously.

## **PRESENTATION**

### Jim Davis Extraordinary Service Award

Mayor Christensen announced that this year's recipient is Marla Young. Ms. Young was nominated by the Chamber of Commerce. Ms. Young has been involved with the Chamber since 2001. She served as Chairperson in 2007 and has been a great leader for the Chamber. For the past eight years she has accomplished many tasks while on the Board of Directors. She was instrumental in remodeling the Chamber Office and did all the interior designing and decorating. She began a very successful networking breakfast for Brigham City businesses, encouraging those attending to support each other and shop within Brigham City. She has been on the Merchants Organizing the Summer Sidewalk Sale and Moonlight Madness Event Committee, the Annual Banquet Committee and the Christmas Promotion Committee. She was President of the Women in Business organization in 2002 and was nominated three times for the Board Member of the Year receiving the award in 2003 and 2006. Along with all the volunteer activities at the Chamber she has been willing to step in and help in the Chamber Office when needed. Ms. Young serves many hours for Peach Days. She single handedly organized the Peach Days Parade for five years. She has also helped organize the Peach Days booths and the Main Street window displays. She was the creative designer for the past three Brigham City floats. During the construction of these floats, Ms. Young and her family have donated over 200 hours each summer decorating and preparing the float and attended many parades to encourage other floats to participate in the Peach Days parade. She volunteers many hours throughout the year on all of her committees. She not only donates her time but teaches her children the importance of volunteerism. In 2008 she took on a new responsibility for Peach Days and became the co-chair of the Miss Brigham City Peach Queen Pageant. Ms. Young has worked for Box Elder County for over 12 years and began her own consulting design business, The Rustic Cottage, in 1994. Through her employment with the County she has been instrumental in teaching citizens how to use the new electronic voting equipment. She has also gone to many elementary schools to inform the students the importance of voting and what government does for the community. She is also involved with the Box Elder County Fair, helping with the Treasurer. She was recently on the committee to help remodel the County Courthouse. Once again, she is donating her expertise to better a historic building in the community. She has also updated the history of Box Elder County on their website. She also put together the centennial scrapbook for the County. She has coached youth groups in her church ward and has also been Young Women's Camp Director many times. She became treasurer for the Box Elder Republicans in 2007. She has been heavily involved with the Republican Party and has helped with at least two fundraisers. She is currently on the Board of the Boys and Girls Club. She gives 110% of herself, her resources and often her family to help the projects and groups she is serving. Mayor Christensen presented her with a clock and her name will be added to the plaque.

## **PUBLIC COMMENT**

Ben Lloyd - Mr. Lloyd asked for clarification on the UTOPIA project. He received the mailing from the Utah Taxpayers Association (UTA) and was concerned about their statement that everyone will be paying for UTOPIA through taxes whether or not they sign up. He felt this would violate enterprise. If those who choose not to sign up have to pay for those who are going to use their service, it is not free competition. He also expressed concern with the cost and history of the UTOPIA organization and what Brigham City's liability will be if the other 13 cities default.

Kris Powers - Ms. Powers said their neighborhood had a water break and she expressed appreciation to the Water Department. They went to everyone's door and told them they would not have water and they would try to get it fixed immediately. They did a great job. She wanted the Council to know that she appreciates knowing that her services are being taken care of by the City.

Jeff Packer - Mr. Packer addressed the mailing that was sent out by the Utah Taxpayer's Association. Their Chief Executive Officer is a senator and he represents twenty of Utah's largest companies, two of which are Qwest and Comcast. He felt that the mailing was 100% paid for by Qwest and Comcast. He asked the Council if that were true and if so, if they would disseminate that information. It is obvious where they stand. They want

to maintain their monopoly. He did not feel this mailing was equally paid for by other members of the Association. It is basically a mailing by Qwest and Comcast in order to try and dissuade citizens from participating in UTOPIA.

There were no further comments from the public.

Mayor Christensen addressed the flier that was mailed out by UTA. Mr. Paul Larsen has a 4-page response to every one of those concerns that will be on the City's website. There will also be a letter mailed to everyone in Brigham City that should explain a lot of the issues brought forward. A lot of the statements in the flier are misleading. It was very slanted. It is important to know both sides of the issue. Part of the approximately \$665,000 the City is paying to UTOPIA is to get fiber optics to City facilities and to build out Brigham City. When City facilities have UTOPIA the City will save \$1,000-\$3,000 on the monthly phone bill. Since it is a voluntary assessment, only those that sign up will pay for it. It is easier to put that infrastructure in now than later, which is why the Council agreed to pay to have the entire City built out. The infrastructure belongs to Brigham City. Fiber optics will take Brigham City into the next century for economic development.

Mr. Larsen added that the \$5.5 million mentioned in the flier is the amount of bond that will be issued. It is the accumulative amount of money that citizens will be paying to be part of the Special Assessment Area. It is not Brigham City taxpayer money. Councilmember Marabella clarified that taxpayers will pay for that if UTOPIA fails, with nothing to show for it. The more citizens that get involved the better chance UTOPIA has of being successful. Mr. Larsen continued that any financial support Brigham City gives to UTOPIA is a loan and has to be paid back with interest. Mayor Christensen added that Brigham City has not given any money to UTOPIA at this point.

Regarding Mr. Packer's question on who funded the UTA mailer, Mr. Larsen said it is not really known. They have been asked in a public forum where they receive most of their funds and they refused to answer. UTA is a private entity and has large investors, primarily large utility companies. They work on behalf of these groups and also the average taxpayer.

## **CONSENT**

### **Request to Schedule a Public Hearing on December 17, 2009 to Receive Public Input on the City's Intent to Surplus a Significant Parcel of Real Property Located at 544 South 800 West**

### **Appointment of Vice Chair to the Youth Commission Executive Board**

It was recommended Gary Dixon be appointed as Vice Chair of the Youth Commission Executive Board.

### **Appointment to the Planning Commission**

It was also recommended Eve Jones be appointed as a member of the Planning Commission.

### **Request to Schedule a Special Meeting for December 10, 2009 at 7:00 to Close on a Special Assessment Bond to Finance Fiber Optic Infrastructure**

### **Request for Approval of Claims Review Committee**

MOTION: A motion to approve the Consent Agenda was made by Councilmember Reese Jensen seconded by Councilmember Marabella and unanimously carried.

## **PUBLIC HEARING**

### **To Receive Input Relevant to Vacate Easements Associated with a Request to Vacate the Amendment to Central Square PUD Subdivision Plat Located at 220 South Main**

Mr. Johnson came forward and explained that the LDS Church has filed a petition with the City requesting that the amendment to Central Square PUD Subdivision be vacated. This requires a public hearing because when the subdivision was created there were easements placed in it. If the PUD is vacated it will revert to the 1892 survey. Mark Bradley, as the City's Land Use Authority for subdivisions that are less than ten lots, approved

the mechanism to tie the property into a single lot subject to the approval of this vacation.

Councilmember Marabella made a motion to open the public hearing, seconded by Councilmember Ruth Jensen and carried.

Jeff Packer - Mr. Packer stated that he was the original proponent of the PUD, and he recommended vacation. He felt it will be for a very noble and worthy purpose.

A motion to close the public hearing was made by Councilmember Marabella, seconded by Councilmember Reese Jensen and carried.

MOTION: Councilmember Marabella made a motion to approve the resolution to vacate easements associated with a request to vacate the amendment to Central Square PUD Subdivision Plat located at 220 South Main. The motion was seconded by Councilmember Reese Jensen. Voting was unanimously in favor.

### **NEW BUSINESS**

#### **Request for Approval of Resolution Increasing Electric Rates to Cover WAPA's Rate Increase**

Mr. Leonard and Mr. Burnett came forward. Mr. Leonard explained that the City received a letter from the Western Area Power Association (WAPA) that they were going to increase the City's electric rates. This was factored in the budget during the budget process and also went before the Public Utility Advisory Board. They recommended the increase be passed onto the residents. The increase is approximately \$72,000.

Mr. Leonard said it is possible to absorb this increase based on two factors. There is some industrial energy usage that has exceeded budgeted projections by approximately 21%. In addition, staffing costs in the Electric Department has decreased due to two employees retiring.

Mr. Leonard added that if the Council chooses not to pass the increase onto the users, it is possible it could affect capital improvement costs in the future.

Councilmember Marabella said times are getting worse and worse for the citizens and felt the City should absorb it. Councilmember Reese Jensen agreed that if it is possible to give the citizens some relief it should be absorbed.

MOTION: Councilmember Christensen made a motion to not pass the WAPA increase onto the citizens and that the City absorb the increase. The motion was seconded by Councilmember Marabella and unanimously carried.

#### **Discussion on Surcharge Fee for New Compost Site and New Compost Facility Plans**

Mr. Fannesbeck came forward and reported that the \$2.00 surcharge that was imposed in Spring 2007 was used to purchase the 10-acre piece of property north of the Waste Treatment Plant.

Mr. Fannesbeck stated that the current compost site is almost out of space. It generates approximately \$60,000 in sales per year. Mr. Fannesbeck and staff have been looking at designs and plans for a new facility. He gave a slide show of the proposed plans. The estimated cost for the facility is \$2.3 million. He recommended the \$2.00 surcharge continue in order to pay for a new facility. In 2 ½ years the surcharge generated \$350,000, so within 4-6 years there could be enough in the fund to begin phasing the project. There is currently \$67,000 in the fund. If this was used to lease-purchase a compost turner it would save some space at the current compost site to allow more time for the fund to accumulate. He estimated a compost turner would be about \$407,000, which would extend the life of the current compost site 5-6 years.

Councilmember Marabella expressed concern that the Brigham City site has become the green waste site for the entire County. He did not feel this was fair for Brigham City residents. Professional tree trimmers are dropping off large trees at no cost that City staff then has to process. He felt that a task force should be created to evaluate the green waste program. It might be that another employee needs to be hired to monitor

whether those dropping items off are residents or non-residents and a charge be implemented for non-residents.

MOTION: Councilmember Marabella made a motion to suspend the \$2.00 per month and form a task force to re-evaluate the green waste program and report back to the Council. The motion was seconded by Councilmember Christensen. Councilmember Marabella volunteered to serve on the task force. It was recommended several citizens serve on the task force as well as staff. The motion unanimously carried.

### **UNFINISHED BUSINESS**

#### **Request Authorization to Surplus Property Located Immediately South of the Mantua L.D.S. Church House at 238 Willard Peak Road**

Mr. Leonard stated that a public hearing has been held to surplus this property.

MOTION: Councilmember Marabella made a motion to formally surplus the property located immediately south of the Mantua LDS Church at 238 Willard Peak Road. The motion was seconded by Councilmember Reese Jensen and unanimously carried.

### **PLANNING COMMISSION BUSINESS**

#### **Request for Approval of Ordinance to Amend the Clear View Regulation for Commercial Properties**

Mr. Bradley explained that this ordinance allows for commercial structures in commercial zones to be built to the property line. The language states that there is an exception to the clear view area. Exceptions include a reasonable number of posts, telephone or power poles, pruned trees or pedestrian type identification signs. The new language would include commercial structures, designated parking stalls, signs and other obstructions located at controlled intersections within the general commercial or central business district zoning districts. Controlled intersections in this section of the City Code include a posted 4-way stop sign intersection, 3-way stop sign intersection at a "T" intersection or signalized stop light intersection.

Motion: Councilmember Reese Jensen moved to approve the ordinance to amend the clear view regulation for commercial properties. Councilmember Marabella seconded the motion, unanimously carried.

#### **Request to Approve a Deferring Public Improvement Agreement for Sidewalk at 278 South 800 West**

Mr. Bradley stated that this property is directly west of the high school football field. It will be a one lot subdivision between two existing homes and there are no sidewalks in this area. The applicant has requested a deferral for installing the sidewalk. He will construct curb, gutter and asphalt extension. The Planning Commission recommends the deferral be approved subject to the developer completing the sidewalk when the adjacent property owners are required to or at which time the City Council, under the direction of the Public Works Director, requires the sidewalk to be installed.

MOTION: Councilmember Marabella made a motion to approve the deferral of public improvement agreement for sidewalk at 278 South 800 West, seconded by Councilmember Ruth Jensen. Voting was unanimously in favor.

### **MAKING LIFE BETTER - DEPARTMENT REPORTS**

Dave Burnett - Mr. Burnett updated the Council on the progress of the East Substation. This project will allow the City to operate at 50-55 megawatts with the N-1 redundancy factor. This should meet demand for the next 20-25 years. It is about 50% completed. He added that most of the work has been done by City staff. The only thing that has been contracted is the concrete work and the welding.

Chief Tittensor - Chief Tittensor stated that Brigham City Animal Shelter has teamed with nearly 3,500 shelters throughout the nation to participate in the annual Iams Homes for the Holidays Pet Adoption Program. The

program's pet adoption goal is to have 1.5 million homeless animals adopted during the holidays. The program will kick-off on December 12 at 10:00 a.m.

### **CLAIMS**

#### **Payment Register**

Councilmember Ruth Jensen moved to approve General Claims dated November 24, 2009 in the amount of \$281,333.47; for November 30, \$26,410.35; December 2, \$235,339.26. The motion was seconded and carried.

A motion to adjourn to an Executive Session to discuss personnel issues was made by Councilmember Marabella. The motion was seconded and carried unanimously. The meeting adjourned at 8:36 p.m. The Council returned to an open meeting at 9:11 p.m. and adjourned.